

REMARKS

Claims 1 to 61 were pending in the application at the time of examination. Claims 1 to 61 stand rejected as obvious.

Applicant respectfully points out that in the prior response Applicant requested that all further correspondence be directed to the undersigned attorney. Nevertheless, the pending office action, mailed on December 15, 2005, was mailed again to a firm that appears to have never been responsible for the above application. Applicant resubmitted on December 21, 2005 all the papers related to the change of attorney including a paper that showed the change was previously entered. The Examiner is respectfully requested to review the PTO records and confirm that the mailing address is consistent with the paper entered on April 6, 2005 and resubmitted on December 15, 2005. Please direct all further correspondence in the above application to the undersigned attorney.

Claims 39, 40, and 55 stand objected to for informalities. Applicant has amended each of the claims as suggested by the Examiner to correct the informalities. Applicant respectfully requests reconsideration and withdrawal of the objection to each of Claims 39, 40, and 55.

Claims 1, 8, 16 to 18, 21, 30, 37, 45 to 47, 50 and 59 to 61 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,959,307, hereinafter referred to as Apte, in view of U.S. Patent Application Pub. No. 2003/0055883, hereinafter referred to as Wiles and further in view of Fomenko.

In the rejection of Claims 1, 8, 16 to 18, 21, 30, 37, 45 to 47, 50 and 59, the rejection initially quoted Claim 1 and then stated:

Apte teaches of providing a deployment descriptor and packaging the deployment descriptor with an application in a platform specific model (column 7, lines 4-11, 23-27). It fails to teach of using version control system server

software and including a server plug-in provided by a provider of the server software. Fomenko teaches of Forte TeamWare which provides version control system server functionality (paragraph 2). Wiles teaches of a plug-in, which is provided by the software provider and is used to execute various tasks on the server platform (paragraphs 225-226 and 229).

Applicant respectfully submits that a prima facie obviousness rejection has not been made and that explicit claim limitations have not been considered. The MPEP puts forth multiple criteria that an obviousness rejection must satisfy. Failure to meet any one of the criteria means that a prima facie obviousness rejection has not been made.

First, the MPEP requires that the references must be considered as a whole. Specifically,

(B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;

MPEP § 2141 II., 8th Ed., Rev. 3, p. 2100-25 (August 2005).

When Apte is considered as a whole, Apte is not directed or concerned with "deploying version control system server software having a remote access capability" as recited in Claim 1. Apte is not concerned with deploying something on the server side, but rather teaches an adapter that is deployed on the client side. Specifically,

The present invention provides an adapter that is generated by introspecting on the interfaces of an Enterprise JavaBean (EJB) running on a Common Object Request Broker Architecture (CORBA) server. The adapter resides on the Java client-side and contains a remote proxy of the CORBA server that runs the EJB. The adapter is a Java class that implements the interfaces specified by the EJB for invoking its business methods. Adapters delegate all of the business method calls from the client to the CORBA proxy on the server and perform data marshaling from the Java client to the CORBA proxy and vice versa. . . . (Emphasis Added)

Apte, Col. 2, lines 15 to 25.

Thus, the rejection requires a modification to Apte so that Apte deploys version control system server software. However, Apte is concerned with deploying adapters that delegate all business method calls. Delegating business method calls on a client via an adapter is unrelated to deploying version control system server software and so would fundamentally change the operation of Apte assuming the combination of references were correct.

The MPEP further directs:

V. < THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

MPEP § 2141 II., 8th Ed., Rev. 3, p. 2100-25 (August 2005).

Changing from deploying an adapter on a client side to deploying a version control system server software on a Web server platform would render Apte unsatisfactory for its intended purpose. It would also require replacing the COBRA server of Apte with a Web server of Claim 1. Thus, the proposed modification to the primary reference fails to satisfy this MPEP requirement and so according to the MPEP there is no suggestion or motivation to make the proposed modification. Accordingly, a prima facie obviousness rejection has not been made.

The cited sections along with paragraph [0230] of Wiles taught:

[0225] An Internet service management system may collect actual user transaction times as well as system information from the end user. In addition, the Internet service management ("ISM") system may collect web server latency and processing time data. The Internet service management system may include a plurality of components which are discussed below.

[0226] Referring to FIG. 10, a diagram illustrating the collection of data by an Internet service management system for processing by the site monitor is shown. This figure depicts a web server 208 that interacts with a JARTA agent 202 and an STM agent 204. WebServer 208 resides on server hardware and includes plug-ins for internal WebServer monitoring and proxying (such as Patrol SafePassage), Internet server management, and gathering of XML data to forward to the site monitor. These plug-ins are indicated by reference numerals 210, 212 and 214 in FIG. 10.

[0228] Patrol SafePassage (PSP)

[0229] Various incoming data reports arrive at the E-business Management web server. The PSP plug-in intercepts and inspects selected requests, routing appropriate SM collector data to a new SM collector "filter module" that is running within the web server and PSP plug-in. This PSP plug-in will be the standard PATROL SafePassage code base. For its default use in site monitor collector role, PSP will be installed with the e-business management server collection of components. It will be pre-configured to handle both site monitor collector requests and normal PSP brokering functions.

[0230] The PATROL SafePassage (PSP) plug-in technology has been leveraged to construct site monitor collector. PSP normally intercepts web requests, then re-routes those requests to one or more "back-end servers", which are typically HTTP servers. PSP is built upon the patent-pending "WebIntegrator" foundation technology. WebIntegrator provides a general-purpose web server plug-in framework for intercepting and processing requests for any purpose. site monitor collector builds upon that WebIntegrator framework by utilizing its "filter module" facility. (Emphasis Added.)

The cited sections do describe web server plugins. However, the cited sections do not mention "hosting server software." Apparently, the rejection has interpreted "WebServer 208" as hosting server software. However, there has

been no citation in the rejection and the above sections fails to suggest or teach:

the deployment tool including a server plug-in provided by a provider of the hosting server software

as recited in Claim 1. The description quoted above from Wiles does not mention a deployment tool that includes any of the plug-in described by Wiles. Further, the description of Wiles fails to suggest or disclose the specific plug-in recited in Claim 1,

the server plug-in automatically installing a Web module on a corresponding server platform when the Web module complies with the component-based platform-independent

The rejection has cited no teaching or suggestion of plug-ins of Wiles installing anything. When Wiles is considered as a whole, as required by the MPEP, Wiles teaches away from such a server plug-in and the rejection also has failed to cite any teaching or suggestion of Wiles that the automatic installation is done "when the Web module complies with the component-based platform-independent specification." The rejection considered only the gist of the invention recited in Claim 1, "a server plug-in" and apparently ignored the explicit claim limitations. Again, the MPEP directs that is an improper form of analysis.

The information extracted from the third reference does not correct the shortcomings of Wiles. Accordingly, even if the combination of references were appropriate (it was demonstrated above that the combination is not appropriate), the combination fails to suggest Applicant's invention as recited in Claim 1. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of Claim 1.

Each of independent Claims 8, 16, 30, 37, 45, and 59 to 61 includes a limitation similar to that discussed above with

respect to Claim 1. Thus, the comments with respect to Claim 1 are applicable to each of Claims 8, 16, 30, 37, 45, and 59 to 61 are incorporated herein by reference for each of these claims. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 8, 16, 30, 37, 45, and 59 to 61.

Claims 17, 18, and 21 depend from Claim 16 and so distinguish over the combination of references for at least the same reasons as Claim 16. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 17, 18, and 21.

Claims 46, 47, and 50 depend from Claim 45 and so distinguish over the combination of references for at least the same reasons as Claim 45. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 46, 47, and 50.

Claims 2 to 4, 6, 9, 10, 12, 14, 19, 20, 22, 23, 26-28, 31-33, 35, 38, 39, 41, 43, 48, 49, 51, 52 and 55 to 57 stand rejected as being obvious over Apte, Wiles and Fomenko and further in view of U.S. Patent Publication No. 2004/0268344. Assuming arguendo that the combination of references is correct, the information cited in the fourth reference does not overcome the shortcomings of the primary combination, as noted above with respect to the corresponding independent claim from which each of these claims depends. Thus, each of Claims 2 to 4, 6, 9, 10, 12, 14, 19, 20, 22, 23, 26-28, 31-33, 35, 38, 39, 41, 43, 48, 49, 51, 52 and 55 to 57 distinguish over the combination of references for at least the same reasons as the independent claim from which each depends. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 2 to 4, 6, 9, 10, 12, 14, 19, 20, 22, 23, 26-28, 31-33, 35, 38, 39, 41, 43, 48, 49, 51, 52 and 55 to 57.

Claims 5, 13, 25, 34, 42, and 54 stand rejected as being obvious over Apte, Wiles and Fomenko and further in view of U.S. Patent Publication No. 2003/0079052. Assuming arguendo that the combination of references is correct, the information cited in the fourth reference does not overcome the shortcomings of the primary combination, as noted above with respect to the corresponding independent claim from which each of these claims depends. Thus, each of Claims 5, 13, 25, 34, 42, and 54 distinguish over the combination of references for at least the same reasons as the independent claim from which each depends. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 5, 13, 25, 34, 42, and 54.

Claims 7, 15, 29, 36, 44, and 58 stand rejected as being obvious over Apte, Wiles and Fomenko and further in view of BEA. Assuming arguendo that the combination of references is correct, the information cited in the fourth reference does not overcome the shortcomings of the primary combination, as noted above with respect to the corresponding independent claim from which each of these claims depends. Thus, each of Claims 7, 15, 29, 36, 44, and 58 distinguish over the combination of references for at least the same reasons as the independent claim from which each depends. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 7, 15, 29, 36, 44, and 58.

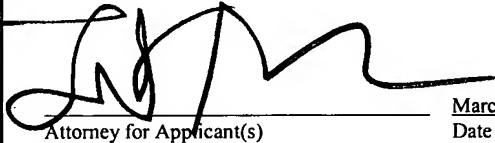
Claims 11, 24, 40, and 53 stand rejected as being obvious over Apte, Wiles and Fomenko and further in view of U.S. Patent Publication No. 2003/007006. Assuming arguendo that the combination of references is correct, the information cited in the fourth reference does not overcome the shortcomings of the primary combination, as noted above with respect to the corresponding independent claim from which each of these claims depends. Thus, each of Claims 11, 24, 40, and 53 distinguish over the combination of references for at least the same

reasons as the independent claim from which each depends. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of each of Claims 11, 24, 40, and 53.

Claims 1 to 61 remain in the application. Claims 39, 40, and 55 have been amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 15, 2006.



Attorney for Applicant(s)

March 15, 2006
Date of Signature

Respectfully submitted,



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